

JAMES F. CLAPP (S.B. # 145814)
 J. KIRK DONNELLY (S.B. # 179401)
 MARITA MURPHY LAUINGER (S.B. # 199242)
 DOSTART CLAPP & COVENEY, LLP
 4370 La Jolla Village Dr. Ste. 970
 San Diego, CA 92122
 Tel. (858) 623-4200
 Fax. (858) 623-4299

Attorneys for Plaintiffs

CHRIS A. HOLLINGER (S.B. #147637)
 CHRISTOPHER T. SCANLAN (S.B. #211724)
 O'MELVENY & MYERS LLP
 Embarcadero Center, West
 275 Battery Street, 26th Floor
 San Francisco, CA 94111-3344
 Tel. (415) 984-8700
 Fax. (415) 984-8701

Attorneys for Defendant

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

JEFF BOWMAN and LAUROS REYES aka)	CASE NO. C-04-3525 MMC
LARRY REYES, individually, and on behalf)	
of all others similarly situated,)	STIPULATION AND PROPOSED ORDER
)	TAKING OFF-CALENDAR (1) PLAINTIFFS'
Plaintiffs,)	MOTION TO STRIKE DEFENDANT'S
)	SEVENTH AFFIRMATIVE DEFENSE AND (2)
vs.)	DEFENDANT'S MOTION FOR PARTIAL
)	SUMMARY JUDGMENT
UBS FINANCIAL SERVICES, INC., and)	
DOES 1 through 50, inclusive,)	
)	Hon. Maxine M. Chesney
Defendants.)	Courtroom 7
)	
)	

Plaintiffs JEFF BOWMAN and LARRY REYES and defendant UBS FINANCIAL SERVICES, INC., by and through their respective counsel, hereby stipulate as follows:

WHEREAS, plaintiffs have filed a motion to strike defendant's Seventh Affirmative Defense, which motion is set for hearing on November 18, 2005 at 9:00 a.m.;

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1 WHEREAS, defendant has filed a motion for partial summary judgment regarding
2 plaintiffs' First Claim, which motion is also set for hearing on November 18, 2005 at 9:00 a.m.;

3 WHEREAS, the parties' respective oppositions to these motions are due on October 28,
4 2005, and reply briefs are due on November 4, 2005;

5 WHEREAS, the parties have elected not to pursue these motions at this time;

6 NOW THEREFORE, subject to the Court's approval of this stipulation, it is hereby
7 agreed that plaintiffs' motion to strike defendant's Seventh Affirmative Defense and defendant's motion
8 for partial summary judgment concerning plaintiffs' First Claim are off-calendar.

9 IT IS SO STIPULATED.

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11 Dated: October 27, 2005

DOSTART CLAPP & COVENEY, LLP

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13 /S/
14 JAMES F. CLAPP
15 Attorneys for Plaintiffs
JEFF BOWMAN and LARRY REYES


16 Dated: October 27, 2005

O'MELVENY & MYERS LLP

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18 /S/
19 CHRIS A. HOLLINGER
Attorneys for Defendant
UBS FINANCIAL SERVICES, INC.

20 IT IS SO ORDERED.

21
22 Dated: October 27, 2005


23 HONORABLE MAXINE M. CHESNEY
24 United States District Judge

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